

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 16, 1967

Appeal No. 9331      Harry Himmelfarb et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 16, 1967.

EFFECTIVE DATE OF ORDER - Dec. 6, 1967

ORDERED:

That the appeal for permission to provide roof structures in accordance with Section 3308 and variance from provisions of Section 7302 to permit waiver of loading berth and Section 5303 of side yard requirements of C-4 District to permit remodeling of building at 932-36 F Street, NW., lot 842, square 377, be granted.

FINDINGS OF FACT:

(1) The subject property is located in a C-4 District at the southeast corner of 10th and F Streets, NW.

(2) The property has frontages on both F and 10th Streets and contains 13,170 square feet of lot.

(3) The building formerly housed the Metropolitan Theater. It is now proposed to remodel the structure for the Lane Bryant Department store and parking garage.

(4) The department store will occupy the first, second and third floors and the basement. There will be parking on the fourth, fifth, sixth and seventh floors.

(5) There will be approximately 196 off-street parking spaces accessible by an elevator with attendants.

(6) The subject property is one lot removed from the Ford Theater which is now being remodeled by the U.S. Park Service as a national historic site.

(7) Since this is an existing building, appellant must provide a rear yard applicable to only that portion of the building at the sixth floor level. Under Section 5303 of the Regulations, a rear yard of 2 1/2 inches per foot of vertical distance at the middle of the rear of the structure is required. A rear yard at the sixth floor level of approximately 14 feet in depth would be required.

(8) The subject property, which is L-shaped, is not considered a through lot, which would require no rear yard.

(9) Appellant proposes to provide all off-street loading and unloading through the public alley located to the rear of the building.

(10) By letter dated September 19, 1967 the U.S. Department of the Interior, National Park Service, Washington Planning and Service Center, wrote to Mr. Thomas F. Airis, Director, Department of Highways and Traffic stating:

"It is our hope that the southern half of the block can be closed and made into a pedestrian mall. Of course, provisions would be made for the access of fire trucks and other emergency vehicles.

"We have considered the development proposed by the Messrs. Himelfarb, who have graciously agreed to design the elevation of their building on 10th Street in such a manner and with such materials as to be compatible with the reconstructed Ford's Theatre.

"It is satisfactory to the National Park Service to provide the necessary curb cuts and access to the proposed parking garage, which is a portion of the Lane Bryant Development."

(11) A penthouse will house the elevator machine room and the cooling tower.

(12) The area of the roof structure is 1,292 square feet.

(13) The material and color of the street facade and of the roof structure will be colonial brick (red) to match the Ford Theatre on 10th Street.

(14) This appeal was filed and heard under plan by Sommer & Mihnos, architects and engineers, drawings No. A-8, A-9, and A-11, approved as noted by Mr. Arthur P. Davis, architect-member of the Board, on September 19, 1967.

(15) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the Zoning Regulations inasmuch as the requirement that appellant meet the rear yard requirements would create practical difficulties and would require a substantial expenditure out of proportion to the relief sought. To require appellant to relocate the columns to provide a rear yard would result in peculiar and exceptional practical difficulties and undue hardship upon the owner. We conclude that the relief sought by appellant can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The roof structures of this proposed building will harmonize with the street frontage of the building in architectural character, material and color. The roof structures are in harmony with the purpose and intent of the Regulations and will not tend to adversely affect the use of nearby and adjoining property.

We note that appellant has agreed to make his building conform in architectural appearance to the Ford Theatre.

We conclude that the waiver of the loading berth will not create any objectionable conditions and will not substantially impair the intent and purpose of the Zoning Regulations. The waiver will not adversely affect the use of the nearby and adjoining property.